

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-CR-54

v.

HON. ROBERT HOLMES BELL

LEON LARON GREENWOOD,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Leon Laron Greenwood has filed a motion for modification or reduction of sentence (ECF No. 65) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

The Probation Department filed a sentence modification report on June 8, 2015 (ECF No. (70)). In its report, the probation department recommended the defendant is eligible for reduction in sentence based on defendant currently being an inmate, USSG § 2D1.1 was used in the guideline calculations, and the guideline range applicable to the defendant subsequently has been lowered as

a result of the retroactive amendment to the Sentencing Guidelines (782). Defendant filed a response (ECF No. 73) to the sentence modification report concurring with the probation department's assessment. Defense counsel states Mr. Greenwood has taken educational courses during his term of incarceration and has been employed. Additionally, Mr. Greenwood sent a letter to this Court acknowledging his mistakes and expressing a desire to learn from them.

The government has filed a response to the sentence modification report requesting that the motion for reduction of sentence be denied for the reason that defendant remains a threat to public safety.

This Court has carefully reviewed the Sentence Modification Report, Defendant's response and the government's response. The Court having carefully considered the responses by the government and defendant, finds a sentence reduction is appropriate.

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (ECF No. 65) pursuant to 18 U.S.C. § 3582(c)(2) is **GRANTED**. Defendant Leon Laron Greenwood's sentence shall be reduced to **94 months imprisonment**, effective November 1, 2015. An order effectuating the sentence reduction shall issue forthwith.

Dated: August 19, 2015

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE